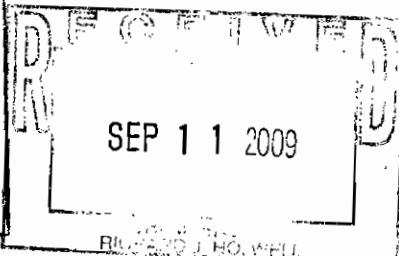


September 10, 2009

Via Facsimile 212-805-7948

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DOC #: <u>9/17/09</u>
DATE FILED: <u>9/17/09</u>



The Honorable Richard J. Holwell
 DANIEL PATRICK MOYNIHAN
 UNITED STATES COURTHOUSE
 500 Pearl Street
 New York, NY 10007-1312

Re: *NEOMEDIA TECHNOLOGIES, INC. v. SCANBUY, INC.*

Case No. 04 CV 3026

and

SCANBUY, INC. v. MARSHALL FEATURE RECOGNITION v. NEOMEDIA TECHNOLOGIES

Case No. 09 CV 4297

Dear Judge Holwell:

The parties the above-identified actions have been engaged in settlement discussions over the last two weeks and believe that a resolution of both actions may be possible. Under the Court's Order entered August 5, 2009, the parties are required to submit claim construction briefs tomorrow, September 11, with additional briefs due on September 25, and a joint claim construction chart due on September 30.

Given the status of settlement negotiations, the parties respectfully request a two-week extension of the current deadlines as set forth below:

September 25, 2009	Opening briefs and evidence on claim construction due
October 9, 2009	Responsive briefs and evidence on claim construction due
October 14, 2009	Plaintiffs in each action submit a joint claim construction chart on computer disk in Word format containing the parties' agreed-to constructions and their respective proposed claim constructions

The parties believe that this extension will have no effect on any other deadlines.

Respectfully submitted,

Jeffrey A. Pine
 Valauskas & Pine LLC
 &
 Michael H. Baniak
 McDonnell Boehnen Hulbert &
 Berghoff LLP
 Attorney for NeoMedia
 Technologies, Inc.

John M. Hintz
 WILMER CUTLER PICKERING
 HALE AND DORR LLP
 Attorney for Scanbuy, Inc. and Marshall
 Feature Recognition

SO ORDERED

USDC
 9/14/09